

TAX M'CUE FAMILY FOR HANGING M'CUE

Supreme Court Holds That Cost
of Trial Must Be Paid by
the Estate.

STATE WINS OLD DESK SUIT

Norfolk and Western Ordered to
Pay \$20,000 for Killing Two
Exposition Visitors.

Opinions in thirty-three cases were handed down yesterday by the Supreme Court of Appeals of Virginia. Two of these—the Commonwealth against the executors of the estate of J. Samuel M'Cue, former Mayor of Charlottesville, who was hanged for the murder of his wife, and the Commonwealth against the executors of the estate of the City of Norfolk—were of more than usual importance. In each instance, the court decided in favor of the State.

Eight of the cases came up from the lower courts of the City of Richmond. The city was a party to two of these, the court deciding two in favor of Richmond and one against it. The decision in the case of the Commonwealth against the executors of the estate of M'Cue means that ultimately the executors will have to pay the State of Virginia the costs of prosecuting M'Cue for the murder of his wife. The case comes up from the lower court of the City of Charlottesville and the decision of that court is reversed.

Some time after M'Cue was hanged the Commonwealth brought suit against the estate for the cost of the prosecution, amounting to about \$5,000, in the Corporation Court of Charlottesville. The judge decided in favor of the defendants.

Pay Cost of Prosecution.
In the opinion, which was prepared by Judge Buchanan, the court quotes from the Code of Virginia, section 4957, and then adds:

"More than fifty years ago this statute was considered by this court and the character of the obligation imposed upon the executors of the estate of the Commonwealth, for the costs incident to his prosecution and conviction was discussed and defined to be an exactation simply for the purpose of reimbursing to the public treasury the precise amount which the conduct of the defendant has rendered it necessary should be expended for the vindication of the public justice of the State and its violated laws. It is money paid, laid out and expended for the purpose of repaying the consequences of the defendant's wrong. It is demanded of him for a good and sufficient consideration, and constitutes an item of debt from him to the Commonwealth. Payment of the same is no part of the sentence of the court, and constitutes no part of the penalty or punishment prescribed for the offense. Indeed, our statute expressly declares that the laws of costs shall not be interpreted as penal laws, they are to be construed as remedial statutes, and liberally and beneficially expounded for the sake of the remedy which they administer."

The case is remanded to the Corporation Court of Charlottesville for further proceedings.

Upholds State Board of Education.
The case of the Commonwealth against the School Board of the City of Norfolk, which comes up from the Law and Chancery Court of Norfolk, is of far-reaching importance. In deciding in favor of the State, the Supreme Court upheld the action of the State Board of Education to select furniture and supplies for all public schools in Virginia.

After this act became effective the Norfolk board entered into a contract with a concern to supply desks and some supplies for the Norfolk schools. The board was ignorant of the new act, and acted in good faith, but it was alleged that the contracting company knew the law. In the meantime, the State Board of Education had made a contract with another firm to supply furniture and other supplies for all of the schools. The Norfolk board was notified by the State Board of this fact, and the Norfolk board, except furniture from the other company. Acting upon the advice of counsel, the school board held to its contract, and the State Board secured an injunction to restrain the Norfolk board from buying the furniture.

The Law and Chancery Court upheld the action of the Norfolk board, declaring it was competent to deal with the matter independently of the State Board. The Supreme Court reverses the lower court and enters a decree perpetuating the injunction "as the trial court ought to have done." The opinion in the case was by Judge Buchanan.

Can Sell Land for Taxes.
The decision of the court in one of the cases in which the City of Richmond is a party is of far-reaching importance both to the city and to property owners. The City of Richmond had a contention to the right of title to property sold for delinquent taxes. The case sent on—Bove against the City of Richmond, from the Chancery Court—was regarded as in the nature of a test.

The property at issue was sold for State taxes under the State land-grabber's act. The purchaser paid the State taxes and costs, and redeemed the property without paying the delinquent taxes. The City of Richmond claimed that the delinquent claim of city taxes be settled before the clerk of the Hustings Court. The City of Richmond also claimed that the City of Richmond had no right to make the conveyance until four months after the expiration of the time when formal notice was served. No error is found, and the judgment of the lower court is affirmed.

City Wins in Poore Case.
The City of Richmond also wins in the contention against Harry L. Poore, the City of Richmond being reversed. Harry L. Poore, a boy, fell into a ditch in Grace Street, between Seventh and Eighth Streets, on December 20, 1908, and was injured. He sued the City and Murphy's Hotel jointly, and the Court rendered a verdict in favor of the City. The City was awarded \$3,000, the City being held responsible. City Attorney Pollard appeared.

MIX FOR COLDS.

Half an ounce of Concentrated Pine Compound, which can be procured from your druggist, two ounces of glycerine, half pint of good whiskey. Mix these by shaking them thoroughly, and add in doses of a teaspoonful to a tablespoonful every four hours, shaking the bottle well on each occasion. The Concentrated Pine is a special fine product refined for medicinal use, and comes only in half ounce bottle, each enclosed in a screw-top case. Relieves in a day.

TREE DOCTORS THRILL CROWDS FAR BELOW

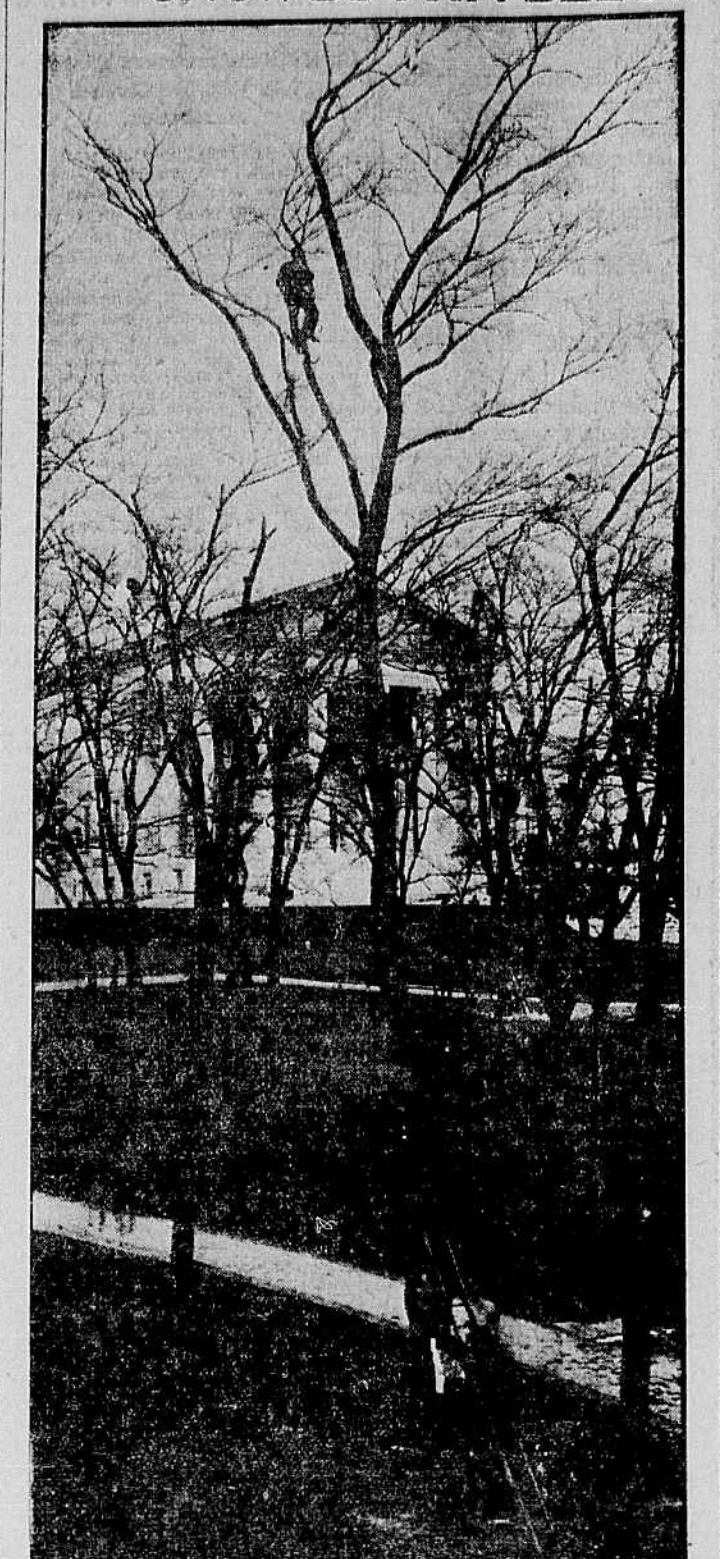


Photo by W. W. Foster.

Hoping to save the magnificent trees in Capitol Square from further damage by storm, the State authorities have engaged expert tree doctors, whose daily work during the past few days has attracted unusual interest. Climbing to the very top of trimmers have cut away the bruised and broken limbs. Along the main trunks they have put in cement, much like a dentist would fill a bad tooth with what is generally known as amalgam.

From a spectacular point of view the performance was thrilling to a degree. While a photographer for The Times-Dispatch was trying to make a picture yesterday afternoon, hundreds of people passing through the Square got their first view of a young man so high up that his features could not be recognized. The picture in this issue was taken from the second floor of The Times-Dispatch Building, the Capitol being seen in the distance.

Leonard G. Vair, of Kent, O., who was engaged to protect the trees, and who was brought here because of his familiarity with such work, said yesterday that the damage is far greater than the average person might imagine, chiefly for the reason that nothing has been done in years to save the pride of the Square. His men have climbed to a higher point than ever reached by forest doctors heretofore, and have managed to protect the branches where they are most likely to be injured. "If all are properly treated at once," said Mr. Vair, "the most severe storm next winter will not be able to seriously cripple their growth staying qualities."

But to the crowd the performance of these stoop-jacks is far more exciting than the question of dosing the disabled trees.

Accompanied by his aide, Captain Archibald Butt, Representative Bourke Cockran met him on the speedway and joined him in his ride for about half an hour.

POLITICIAN ARRESTED
Former Republican Manager in Delaware Charged With Soliciting Funds.

WILMINGTON, DEL., March 11.—Charged with soliciting political contributions from Federal employees "on or about April 1, 1907," Ulysses E. Glick, statistical secretary of the National Drainage Association, and former manager of the Republican State headquarters here, was arrested today by Deputy United States Marshal Mitchell. He was held in \$4,000 bail by United States Commissioner Mahaffy for a preliminary hearing on Thursday, March 13.

The warrant was sworn out by John J. Doyle, secretary of the civil service commission. His arrest is the outcome of an investigation conducted here by Doyle and other secret service agents.

It is understood that Doyle found from the testimony of some of the Federal employees that Glick had solicited 2 percent of their salaries for political purposes, to be paid quarterly.

Glick is well known in this State as a promoter of electric railways and similar enterprises.

FRAUD ON NATION
Senator McClaurin So Expresses Himself About Tariff Revision.

JACKSON, MISS., March 11.—That the proposed revision of the tariff will result in the perpetration of a fraud on the nation is the opinion expressed by United States Senator A. J. McClaurin, who is back from the national capital to spend the congressional recess.

"It is not the Republican intention to reduce the tariff to any material extent. It is the purpose of the party in power to continue it as a protective tariff, and in many instances even make it prohibitive. They will make some immaterial reductions to give the appearance of a downward revision. But when it is summed up as the last state of the tariff will be as bad, if not worse, than the first."

Found Dead in Buggy.
VALDOSTA, GA., March 11.—F. M. Leppard, of Trenton, S. C., was found dead this morning in a buggy near a lake, where he had been fishing. Heart trouble is supposed to have been the cause. He had been visiting here for the past few days.

NO REDUCTION OF THE TARIFF ON LUMBER

Chief of the United States Forest Service Sends Letter to Payne.

WASHINGTON, D. C., March 11.—A removal of the tariff on lumber would neither reduce the price to the consumer or preserve our forests, according to the opinion expressed by Gifford Pinchot, chief of the United States Forest Service. In a letter to Senator Payne, chairman of the House Ways and Means Committee, made public tonight, Mr. Pinchot holds that the fundamental question at issue in the lumber tariff is one of conservation.

He says that he would favor a removal of the tariff if he were of the opinion, which he thinks is the cause of the demand for free lumber, that it would offer a way to protect our forests. "But I am unable to see," he says, "that free lumber will promote forestry."

"There is only one way to save our forests," he says. "That is to see that they are kept at work growing new crops of timber as the old are cut away."

Mr. Pinchot says that "most of the lumber we now import comes from Canada, as most of it would if the duty were taken off. We are importing from Canada only about 2 percent, as much lumber as we are cutting from our own forests. It is not likely that under free lumber more than 3 percent, as much would come from Canada as we would cut at home."

"Canada, as compared with the United States, has no great timber supply," continues Mr. Pinchot. "Her total amount of standing timber is probably not more than one-third of what is left of ours. In the end the Canadians will undoubtedly require for home use all the lumber they can produce. Imports from Canada, therefore, would not be enough to limit the cutting of our forest to the demand for lumber in any important degree."

Mr. Pinchot is of the opinion that if the duty were removed there would be little, if any, benefit to the ultimate consumer in the United States. The waste in logging, according to Mr. Pinchot, is already enormous, being several times larger than our importation from Canada. I do not believe," he says, "that the increased use of Canadian wood under free lumber would equal the increased waste. The chief benefit of free lumber is the important fact that we should have free pulp wood in the future as in the past, and that Canada should impose no export duty upon pulp wood. In this respect he continued, 'the pulp and paper-making industry is in a different position from the lumber industry. The latter can be supplied wholly from our own forests, while the former must have free access to the Canadian spruce forests so long as spruce is the chief pulp wood. He declares that ground wood should be admitted free, 'provided that it comes from a country which does not in any way restrict the exportation of wood pulp or ground wood, and that there should be no reduction in the duty upon news paper providing that it comes from a country which does not in any way restrict the exportation of pulp wood, wood pulp or printing paper.'

Mr. Pinchot makes the first duty for conserving the forests upon the lumbermen themselves, declaring that "by asking for the retention of the tariff in order to protect the forest, the lumbermen have in substance entered into an agreement with the people of the United States to perpetuate their forests by wise use."

He declares that "if the lumbermen do not make the most of this opportunity legislation is coming, and coming very soon, which will force them to do clean work in the woods, and to leave their cut-over lands in condition to produce a second crop."

EXTENSION OF TIME
Not on Account of Vessels' Journey, but to Install New Masts.

strongly advised to steer clear of the Washington, D. C., March 11.—In order that no misunderstanding may exist regarding the amount of repairs needed by the vessels of the Atlantic fleet, which recently returned from their tour around the world, Secretary Meyer to-day made the statement, in which he says that the repairs which will be made are less than was anticipated.

The statement is as follows: "The extension of time for the completion of work on vessels of the Atlantic fleet from May 15 to June 15, as announced March 8, is not for the purpose of additional repairs, for the amount of repairs required by the ships has been found to be less than was anticipated, and they could easily have been completed by May 15, or even earlier. The extension of time was to enable two new cable masts to be installed aboard ships ready for the fall target practices."

Death of a Faithful Servant.
Lizzie Tallaferra, a faithful old colored woman, who had been employed in the family of Charles Thalheimer for

Flatulency or Wind on Stomach
As it is Commonly Named, Means that Decaying Food is Making Gas.

This most serious condition is very prevalent, and results most distressingly and fatally oftentimes. The stomach in cases of flatulency is unable to digest the food properly. Decay is going on in the stomach, forcing the food way downward into the bowels, and if not relieved it extends upward, pressing against the lungs, liver and heart, causing shortness of breath, belching, foul odors and many times sudden death.

Food which is decayed with gas, when taken into a deranged stomach, causes flatulency rapidly, vegetables especially given to the stomach. Against such a condition the stomach can do but little, because these foul and poisonous gases affect its glands, and especially its stomach, so that it is unable to digest it at all.

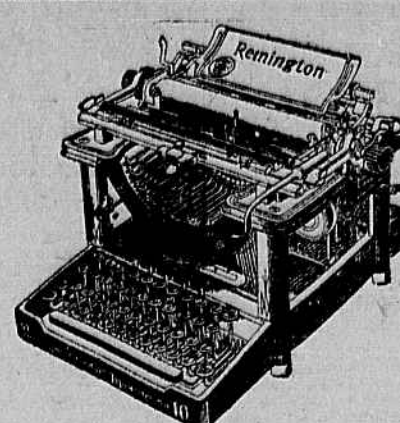
These gases distend the stomach in all directions, preventing the contracting muscles from doing their regular duties, or if they do force the gas, which is filled with food, where in the system, with even more harassing results, and then the decay, which reduces food to nourishment, still remains to generate more gases.

The most effective method for allaying flatulency is to remove the cause of gas making. An emetic will do this, but the stomach will have the same trouble the moment new food enters it.

Stuart's Dyspepsia Tablets get at gas food at once, digest it, prevent its accumulation, and by their action, make good rich gastric fluid and pass the digested food to the intestines, giving one a feeling of lightness and the system its nourishment. Flatulency simply cannot exist where these little tablets are used. They build up the stomach fluids, so that it matters not how many vegetables you eat or food containing quantities of gas, the stomach does its work well and quickly.

Stuart's Dyspepsia Tablets are sold everywhere and used by the whole world over by sick stomachs and stomachs that want to eat heartily and yet not get sick.

Every druggist carries Stuart's Dyspepsia Tablets, price 50 cents per box. The demand for these little digesters is constantly increasing. Forty thousand physicians in America and Canada use them and prescribe them. Send us your name and address, and we will send you a trial package by mail free. Address P. A. Stuart Co., 150 Stuart Bldg., Marshall, Mich.



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"Your house can be replaced, but your trees cannot."

Twenty-seven years, died suddenly on Wednesday night. She had only been ill a few minutes. She was a type of the old servant that is fast disappearing. Mr. Thalheimer said yesterday that his loss is greatly felt by members of his family.

Will Try Cocaine Men.
James Jones and George Tallaferra, both colored, will appear in Police Court today to answer charges of selling and otherwise dispensing cocaine without a physician's license. One of the negroes is said to have confessed, but claims that he acted as agent for another negro, who has since been arrested for a similar crime.

Deliver New Locomotives.
Delivery of the new locomotives built at the Richmond branch of the American Locomotive Works for the Seaboard Air Line began yesterday, the first engine being turned over. The other engines will be delivered within the near future. These engines were built before the road went into the hands of receivers, and have been at the plant since that time.

Verdict Against Express Company.
A verdict for the plaintiff was rendered in the City Circuit Court yesterday in the suit of Burk & Company against the Adams Express Company and the Southern Express Company for \$18,750. Motion to set aside the verdict was made and continued.

Join the Fight.
Virginia is now engaged in a battle for good roads, and all the other Southern States should join in the fight.—Baltimore American.

DEATHS
KEAN—Died, March 11, at his home, in Louisa county, Va., after a long illness, MR. WILLIAM K. KEAN, aged sixty-six years, son of the late Dr. Julian Kean.
Funeral from his residence SATURDAY at 1 o'clock.

FERGUSON—Died, at his residence, 611 North Sixth Street, at 7:45 P. M. Thursday, ARTHUR E. FERGUSON, in the fifty-first year of his age.
Funeral notice later.

BIRTHS
GRANT—At Riverside House, Roanoke, Va., U. S. A., on the 19th of February, a daughter, Miss Virginia Grant, of a daughter, VIOLET VIRGINIA LOGAN GRANT; both doing well.

THE SAME ONE.
Hundreds of old town want to know if MAX FRANK, the well-known politician, is the same person who had his office at the Craig Art Co. Yes. He returned to Richmond and opened offices at 117 East Broad Street.

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